

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 99-2835

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United States of America,

Appellee,

v.

Peter J. Simone,

Appellant.

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\* Appeal from the United States  
\* District Court for the  
\* Western District of Missouri.  
\*  
\* [UNPUBLISHED]  
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Submitted: November 5, 1999

Filed: November 9, 1999

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Before BOWMAN, FAGG, and MURPHY, Circuit Judges.

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PER CURIAM.

Peter Simone admitted violating the condition of his supervised release which required him to participate successfully in a home detention program, and the district court<sup>1</sup> revoked his release and sentenced him to nine months imprisonment. Simone appeals, arguing that the court imposed too harsh a sentence because it failed to consider the factors set forth in 18 U.S.C. § 3553(a), as required by 18 U.S.C. § 3583(e).

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<sup>1</sup>The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

Having reviewed the revocation hearing transcript, we conclude that the district court adequately considered the statutorily required factors and did not abuse its discretion in sentencing Simone. See United States v. Graves, 914 F.2d 159, 160-61 (8th Cir. 1990) (per curiam) (standard of review; there is no requirement that district court make specific findings relating to each of § 3553(a) factors considered); United States v. Caves, 73 F.3d 823, 825 (8th Cir. 1996) (rejecting argument that district court must state on record that it had considered sentencing factors and explain reasons for sentence imposed).

We also reject Simone's argument that the district court failed to consider U.S. Sentencing Guidelines Manual § 7B1.2(b), p.s. (1998), which he did not raise below. See United States v. Montanye, 996 F.2d 190, 192 (8th Cir. 1993) (en banc) (standard of review).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.